

Rich Bennett  
11/13/15United States District Court  
Southern District of Texas  
NOV 13 2015  
FILED Criminal Complaint

NOV 13 2015

## UNITED STATES DISTRICT COURT

for the

David J. Bradley, Clerk of Court

Southern District of Texas

United States of America

v.

Jose Cain GALVAN-SIERRA

Case No.

H15-1565M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 11, 2015 in the county of Colorado in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

8 U.S.C. Section 1324(a)(1)(A)(ii)  
8 U.S.C. Section 1324(B)(i)- knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.  
--in the case of a violation of subparagraph (A)(i) or in the case of violation of subparagraph (A)(ii),(iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain.

This criminal complaint is based on these facts:

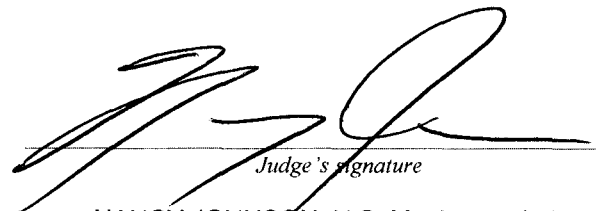
See attached Affidavit of Special Agent Yolanda Salazar

☒ Continued on the attached sheet.  
Complainant's signature

Yolanda Salazar, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/13/2015City and state: Houston, Texas  
Judge's signature

NANCY JOHNSON, U.S. Magistrate Judge

Printed name and title

United States Court  
Southern District of Texas  
FILED

NOV 13 2015

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN THE MATTER OF THE  
CRIMINAL COMPLAINT FOR  
JOSE CAIN GALVAN SIERRA

§  
§  
§

H15-1565M  
Case No. \_\_\_\_\_

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Yolanda Salazar, after being duly sworn, state as follows:

1. I am a law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), as a Special Agent (SA) of Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) Department of Homeland Security (DHS) assigned to the Special Agent in Charge (SAC) Houston and have been so employed since December 1988. I am also a graduate of the Federal law Enforcement Training Center at Glynco, Georgia, where I received training and experience in criminal investigations, including human smuggling investigations.

2. This affidavit is made in support of the Criminal Complaint of Jose Cain GALVAN-Sierra. The facts contained in this affidavit are based upon information of my own personal knowledge, observations and/or facts related to me by other agents of HSI and/or other law enforcement personnel involved in this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause for this arrest, the affidavit may not contain every fact known to me during the course of this investigation.

3. On or about November 11, 2015, Jose Cain GALVAN-Sierra did transport or attempt to transport aliens that had entered and/or remained in the United States after entering at a place other than a designated port of entry or place other than as designated by the Commissioner in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(B)(i).

4. On or about November 11, 2015, an officer with the Weimer Police Department (WPD) in Colorado County, Texas was patrolling eastbound on Interstate Highway 10 around mile marker 682. The WPD officer conducted a traffic stop after he observed the driver of a black GMC Yukon sports utility vehicle with Texas license plate DMP 2408 was driving on the shoulder lane, and the windows had potential tint violations.

5. After the vehicle came to a very slow stop, the driver identified himself as Jose Galvan of Mexico. He was later identified as Jose Cain GALVAN-Sierra, date of birth March 22, 1991. The WPD officer asked GALVAN-Sierra to roll down all the windows of the vehicle. The officer observed nine male Hispanic passengers who appeared nervous and dirty.

6. The WPD officer feared for his safety and hand-cuffed GALVAN-Sierra and called for a back-up. The officer asked GALVAN-Sierra who the people in his vehicle were and GALVAN-Sierra responded, he did not know their names, he only knew they were going to Houston.

6. Upon arrival of a back-up officer, both officers had all nine passengers exit the vehicle and began to identify each one. One of the passengers identified himself as Abelardo Alvarado. He stated he was going to pay the driver three thousand dollars (\$3000) to take him to Houston. While officers had the driver and passengers sitting on the ground, two of the passengers took off running, one of them was Abelardo Alvarado and the other was identified as Fabian Sanchez Gaspar of Mexico. Sanchez Gaspar took GALVAN- Sierra's wallet containing money off the hood of the patrol car when he fled.

7. The remaining seven passengers were determined to be citizens and nationals of Mexico, illegally present in the United States. All seven passengers were transported to the Houston Service Processing Center for processing and interviews.

8. GALVAN-Sierra was later determined to be a citizen and national of Mexico, illegally present in the United States.

9. GALVAN- Sierra was arrested by WPD on Texas State charges for No Driver's License and Smuggling of Persons for Monetary Gain. He was given a warning for the other traffic violations.

10. Interviews of the undocumented aliens identified GALVAN-Sierra as the driver and person who was going to contact their friend or relative after they arrived in Houston to negotiate their release. According to the undocumented aliens, their smuggling fee

was approximately three thousand to three thousand five hundred dollars, and payment was due upon their arrival in Houston.

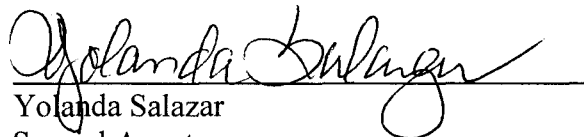
11. SA Chris Maines and I interviewed Juan Martinez-Vargas, who was one of the passengers in the vehicle driven by GALVAN-Sierra. Martinez-Vargas was presented with a photographic lineup and asked if he recognized any of the individuals in the photographs. Martinez-Vargas stated he recognized photo number 2 as the driver who picked him up after walking approximately two days with a smuggling guide and was going to be dropped off in Houston. The individual in photo number 2 was GALVAN-Sierra.

12. SA Chris Maines and I interviewed Jose Cruz-Rios, who was one of the passengers in the vehicle driven by GALVAN-Sierra. Cruz-Rios was presented with a photographic lineup and asked if he recognized any of the individuals in the photographs. Cruz-Rios stated he recognized photo number 2 as the driver who picked him up after walking approximately two days with a smuggling guide and was going to be dropped off in Houston. The individual in photo number 2 was GALVAN-Sierra.

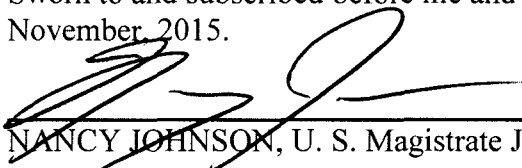
13. SA Chris Maines and I interviewed Luis Cervantes-Vargas, who was one of the passengers in the vehicle driven by GALVAN-Sierra. Cervantes-Vargas was presented with a photographic lineup and asked if he recognized any of the individuals in the photographs. Cervantes-Vargas stated he recognized photo number 2 as the driver who picked him up after walking approximately two days with a smuggling guide and was

going to be dropped off in Houston. The individual in photo number 2 was GALVAN-Sierra.

14. Based on my experience and the aforementioned facts and observations, the affiant believes there is probable cause to believe that on or about November 11, 2015, Jose Cain GALVAN-Sierra did transport or attempt to transport aliens that had entered and/or remained in the United States after entering at a place other than a designated port of entry or place other than as designated by the Commissioner in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(B)(i).

  
Yolanda Salazar  
Special Agent  
Homeland Security Investigations

Sworn to and subscribed before me and I find probable cause on this the 13<sup>th</sup> Day of November, 2015.

  
NANCY JOHNSON, U. S. Magistrate Judge